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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 PATRICIA A. GRANT,  
8 Plaintiff,

9 v.

10 CLAUDIO GABRIEL ALPEROVICH, et  
11 al.,  
12 Defendants.

Case No. C12-1045RSL

ORDER DENYING  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND  
MOTION FOR RELIEF UNDER  
RULE 60

13 This matter comes before the Court on "Plaintiff's Rule 7(h) Motion on Summary  
14 Judgment for Pacific Medical Center Inc. (PacMed) Defendants" (Dkt. # 174) and  
15 "Plaintiff's Rule 60 Motion Summary Judgment For Pacific Medical Center, Inc  
16 (PacMed) Defendants" (Dkt. # 175). On December 12, 2013, the Court granted  
17 Defendants Pacific Medical Center's, Lisa Oswald's, Shoba Krishnamurthy, WM.  
18 Richard Ludwig's, and U.S. Family Health Plan at Pacific Medical Center's  
19 (collectively "PacMed Defendants") motion for summary judgment. Dkt. # 150. On  
20 January 3, 2014, the Court granted Plaintiff's motion for a 20-day continuance of the  
21 deadline for filing a motion for reconsideration. Dkt. # 168. Pursuant to the Court's  
22 order, Plaintiff has timely filed a motion for reconsideration of the Court's order  
23 granting summary judgment, dkt. # 174, and a motion for relief from judgment under  
24 Rule 60 of the Federal Rules of Civil Procedure ("Rule 60"), dkt. # 175.

1 Having reviewed Plaintiff's memoranda and supporting declarations, the Court  
2 finds as follows:

3 **A. Motion for Reconsideration**

4 Motions for reconsideration are disfavored and will be granted only upon a  
5 "showing of manifest error in the prior ruling" or "new facts or legal authority which  
6 could not have been brought to [the Court's] attention earlier with reasonable diligence."  
7 LCR 7(h)(1). Plaintiff has not met this burden. Instead, Plaintiff presents the same  
8 arguments that the Court previously considered when it granted PacMed Defendants'  
9 motion for summary judgment. Plaintiff has not shown manifest error or the existence  
10 of new facts or legal authority. The motion for reconsideration (Dkt. # 174) is,  
11 therefore, DENIED.

12 **B. Rule 60 motion for relief**

13 Plaintiff seeks relief under Rule 60(a), dkt. # 175 at 1, which allows the Court, on  
14 its own initiative or on a motion, to correct a clerical mistake in a judgment, order, or  
15 other part of the record. Fed. R. Civ. P. 60(a). The Court may make a correction under  
16 Rule 60(a) so long as the change is consistent with the Court's original intent. Harman  
17 v. Harper, 7 F.3d 1455, 1457 (9th Cir. 1993). Thus, "Rule 60(a). . . is limited to  
18 correcting errors arising from oversight or omission and cannot be used to correct more  
19 substantial errors, such as errors of law." Waggoner v. R. McGray, Inc., 743 F.2d 643,  
20 644 (9th Cir. 1984). Plaintiff has not identified any clerical mistakes in the Court's prior  
21 order. Rather, Plaintiff disputes the Court's substantive rulings which cannot be  
22 corrected using Rule 60(a). Therefore, her request for relief under Rule 60(a) is  
23 DENIED.

24 Plaintiff also seeks relief under Rule 60(b)(1), (2), and (3). Dkt. # 175 at 1. Rule  
25 60(b) provides that the Court may, following a motion and on just terms, relieve a party  
26 from a final judgment, order or proceeding based on, among other reasons, mistake or

1 excusable neglect (Rule 60(b)(1)), newly discovered evidence (Rule 60(b)(2)), or fraud  
2 or misconduct by an opposing party (Rule 60(b)(3)).

3 The Court's review of Plaintiff's motion and the record in this case provides no  
4 support for relief under Rule 60(b)(1), (2), or (3). First, Plaintiff has not suggested that  
5 the Court's order was due to excusable neglect or mistake as required for relief under  
6 Rule 60(b)(1). Like her motion for reconsideration under Local Civil Rule 7(h),  
7 Plaintiff's motion for relief under Rule 60(b) presents the same arguments and concerns  
8 raised in her opposition to PacMed Defendants' motion for summary judgment.

9 Plaintiff's request for relief under Rule 60(b)(2) is equally unavailing. Although  
10 Plaintiff has provided additional declarations with exhibits attached, dkt. # 173; dkt. #  
11 179, there is no indication that this evidence, with reasonable diligence, could not have  
12 been discovered and presented to the Court earlier. Even if Plaintiff had presented this  
13 evidence in a timely manner, it would not alter the Court's earlier decision as it does not  
14 raise a genuine issue of material fact sufficient to preclude summary dismissal of her  
15 claims against PacMed Defendants.

16 Finally, Plaintiff has not shown that PacMed Defendants engaged in misconduct  
17 or made misrepresentations warranting relief under Rule 60(b)(3). Thus, Plaintiff's  
18 motion for relief under Rule 60(b) is DENIED.

19 For all of the foregoing reasons, the Court DENIES Plaintiff's motion for  
20 reconsideration (Dkt. # 174) and her motion for relief under Rule 60 (Dkt. # 175).

21 DATED this 23rd day of January, 2014.

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24 Robert S. Lasnik  
25 United States District Judge